



July 29, 2005

The Honorable Kevin J. Martin, Chairman  
The Honorable Kathleen Q. Abernathy, Commissioner  
The Honorable Jonathan S. Adelstein, Commissioner  
The Honorable Michael J. Copps, Commissioner

Federal Communications Commission  
455 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: CC Docket No. 02-33 and CC Docket No. 01-337

Ex Parte Filing (Via Hand Delivery)

Dear Chairman Martin and Commissioners:

As a supplier of the facilities, construction and engineering services used by broadband service providers, we have taken a keen interest in the progress of the Brand X proceeding at the Supreme Court. Now that the Court has spoken and upheld the FCC's determination with respect to broadband services provided by cable companies, we would like to urge you to bring regulatory parity to the broadband market by ensuring that all broadband providers are covered under the same regulatory framework.

We are encouraged by Chairman Martin's recent comments regarding leveling the playing field for broadband providers. We believe that any regulatory vestige that gives one player a pricing advantage over another serves only to delay deployment by potential competitors. This is bad for consumers, bad for suppliers and bad for service providers. At a time when national policy is encouraging ubiquitous broadband deployment and customers are demanding additional choices, we believe that extending Title I treatment to all wireline broadband services is the best way to eliminate disparities and encourage deployment.

Thank you for your consideration and support of this important initiative.

Sincerely,

Paul M. Henkels  
Chairman